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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: LOWER MANHATTAN DISASTER
SITE LITIGATION

21 MC 100 (AKH)

THIS DOCUMENT APPLIES TO ALL CASES
IN WHICH THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY IS A
DEFENDANT

DECLARATION OF DONALD A. KLEIN
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT DISMISSING
COMPLAINTS AGAINST THE PORT
AUTHORITY OF NEW YORK AND
NEW JERSEY FOR LACK OF SUBJECT
MATTER JURISDICTION

Donald A. Klein, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am Of Counsel to the firm of Schiff Hardin LLP, attorneys for defendant the Port Authority of New York and New Jersey (the "Port Authority") in this litigation, and make this declaration in support of the Port Authority's Motion for Summary Judgment.
2. Attached as Exhibit 1 with respect to Sebastian Bartolotta are Notice of Claim served on the Port Authority on October 5, 2009, Notice of Removal of Summons with Notice filed on or about October 3, 2006, and Summons and first page of Complaint filed November 20, 2007.
3. Attached as Exhibit 2 with respect to Gene Dannenfelser are Notice of Claim served on the Port Authority on November 3, 2009, and first page of Complaint filed October 20, 2006.

4. Attached as Exhibit 3 with respect to Maurice Davis are Notices of Claim served on the Port Authority on October 14, 2009 and December 18, 2009, and Summons and first page of Complaint filed October 13, 2006.

5. Attached as Exhibit 4 with respect to John DeFano are Notices of Claim served on the Port Authority on August 31, 2007 and November 3, 2009, and Summons and first page of Complaint filed May 15, 2007.

6. Attached as Exhibit 5 with respect to Patricia Defeo are Notice of Claim served on the Port Authority on October 27, 2006, and Summons and Complaint filed October 10, 2006. The Complaint bears an erroneous file stamp date (of October 10, 2005). The docket indicates that this complaint was filed on October 10, 2006, as does the summons. Further, the signature and verification on the Complaint are dated in the fall of 2006.

7. Attached as Exhibit 6 with respect to Chris Devlin are Notice of Claim served on the Port Authority on March 16, 2007, and Summons and first page of Complaint filed September 14, 2006.

8. Attached as Exhibit 7 with respect to Michael Fagan are Notice of Claim served on the Port Authority on November 3, 2009, and Summons and first page of Complaint filed October 20, 2006.

9. Attached as Exhibit 8 with respect to Stanislaw Faltynowicz are Notice of Claim served on the Port Authority on May 22, 2008, and a Docket Report from the SDNY PACER system indicating Complaints filed on February 22, 2008 and December 15, 2009.

10. Attached as Exhibit 9 with respect to Edward M. Ferraro are Notice of Claim served on the Port Authority on October 30, 2006, and Summons and first page of Complaint filed September 18, 2006.

11. Attached as Exhibit 10 with respect to Samuel Gilford are Notice of Claim served on the Port Authority on October 30, 2006, and Summons and first page of Complaint filed October 13, 2006.

12. Attached as Exhibit 11 with respect to Melvin Glover are Notice of Claim served on the Port Authority on March 16, 2007, and Notice of Removal of Summons with Notice filed on or about September 11, 2006.

13. Attached as Exhibit 12 with respect to Bruce Greenberg are Notice of Claim served on the Port Authority on July 21, 2004, and Summons and first page of Complaint filed May 11, 2005.

14. Attached as Exhibit 13 with respect to William Gutierrez are Notice of Claim served on the Port Authority on November 9, 2009, and Summons and first page of Complaint filed February 4, 2008.

15. Attached as Exhibit 14 with respect to Leslie Hardy are Notice of Claim served on the Port Authority on November 9, 2009, and Summons and first page of Complaint filed February 19, 2008.

16. Attached as Exhibit 15 with respect to Thomas Kelly are Notice of Claim served on the Port Authority on November 9, 2009, Notice of Removal of Summons with Notice filed on or about September 11, 2006, and Summons and first page of Complaint filed September 14, 2007.

17. Attached as Exhibit 16 with respect to Irwin Lassiter are Notice of Claim served on the Port Authority on October 31, 2006, and Summons and first page of Complaint filed October 18, 2006.

18. Attached as Exhibit 17 with respect to Charles Logan are Notice of Claim served on the Port Authority on October 13, 2006, Summons and first page of Complaint filed October 11, 2006, and a Docket Report from the SDNY PACER system indicating Complaint filed February 23, 2007.

19. Attached as Exhibit 18 with respect to John Marshall are Notice of Claim served on the Port Authority on November 6, 2009, Notice of Removal of Summons with Notice filed on or about September 11, 2006, and Summons and first page of Complaint filed September 14, 2007.

20. Attached as Exhibit 19 with respect to Robert J. Martin are Notice of Claim served on the Port Authority on November 6, 2009, and Summons and first page of Complaint filed November 2, 2007.

21. Attached as Exhibit 20 with respect to Thomas McHale are Notice of Claim served on the Port Authority on February 26, 2007, Summons with Notice filed September 11, 2006, and Summons and first page of Complaint filed September 14, 2007.

22. Attached as Exhibit 21 with respect to Sean McNellis are Notice of Claim served on the Port Authority on November 25, 2009, and Summons and first page of Complaint filed October 17, 2006.

23. Attached as Exhibit 22 with respect to Michael Moschitta are Notice of Claim served on the Port Authority on June 1, 2005, and Summons and Complaint filed October 10, 2006. The Complaint bears an erroneous file stamp date (of October 10, 2005). The docket indicates that this complaint was filed on October 10, 2006, as does the summons. Further, the signature and verification on the Complaint are dated in the fall of 2006.

24. Attached as Exhibit 23 with respect to Daniel Moynihan are Notice of Claim served on the Port Authority on November 25, 2009, and Summons and first page of Complaint filed May 15, 2007.

25. Attached as Exhibit 24 with respect to Mimi Netrosio are Notice of Claim served on the Port Authority on November 2, 2006, and Summons and first page of Complaint filed October 19, 2006.

26. Attached as Exhibit 25 with respect to Glenn O'Donnell are Notice of Claim served on the Port Authority on November 2, 2006, and Summons and first page of Complaint filed October 13, 2006.

27. Attached as Exhibit 26 with respect to Raymond Potanavic are Notice of Claim served on the Port Authority on November 24, 2009, and Summons and first page of Complaint filed May 15, 2007.

28. Attached as Exhibit 27 with respect to Richard Prager are Notices of Claim served on the Port Authority on August 31, 2007 and November 24, 2009, and Summons and first page of Complaint filed May 15, 2007.

29. Attached as Exhibit 28 with respect to Joseph Ragazzo are Notice of Claim served on the Port Authority on November 24, 2009, and Summons and first page of Complaint filed January 7, 2008.

30. Attached as Exhibit 29 with respect to William Rozakis are Notice of Claim served on the Port Authority on November 2, 2006, and Summons and first page of Complaint filed October 17, 2006.

31. Attached as Exhibit 30 with respect to John Ruis are Notice of Claim served on the Port Authority on November 2, 2006, and Summons and first page of Complaint filed October 18, 2006.

32. Attached as Exhibit 31 with respect to Sotereos Samothrakis are Notice of Claim served on the Port Authority on November 24, 2009, Summons and first page of Complaint filed May 15, 2007, and Summons and first page of Complaint filed February 29, 2008.

33. Attached as Exhibit 32 with respect to Robert Schor are Notice of Claim served on the Port Authority on December 7, 2009, Summons and first page of Complaint filed February 4, 2005, Summons and first page of Complaint filed June 30, 2005, Summons and first page of Complaint filed February 7, 2008, and a Docket Report from the SDNY PACER system indicating Complaint filed July 10, 2009.

34. Attached as Exhibit 33 with respect to Steven Schuler are Notice of Claim served on the Port Authority on July 31, 2007, Summons and first page of Complaint filed May 29, 2007, and Summons and first page of Complaint filed May 30, 2008.

35. Attached as Exhibit 34 with respect to James Takacs are Notice of Claim served on the Port Authority on November 3, 2006, and Summons and first page of Complaint filed October 18, 2006.

36. Attached as Exhibit 35 with respect to Joseph Trembone are Notice of Claim served on the Port Authority on December 7, 2009, Summons and first page of Complaint filed February 4, 2005, Summons and first page of Complaint filed April 8, 2005, Summons and first page of Complaint filed June 30, 2005, and Summons and first page of Complaint filed July 10, 2009.

37. Attached as Exhibit 36 with respect to Michael Vaughan are Notice of Claim served on the Port Authority on December 7, 2009, Notice of Removal of Summons with Notice filed October 4, 2006, and Summons and first page of Complaint filed November 20, 2007.

38. Attached as Exhibit 37 with respect to John Walcott are Notice of Claim served on the Port Authority on August 8, 2003, and first page of Complaint filed June 3, 2004.


39. Attached as Exhibit 38 with respect to James Wallace are Notice of Claim served on the Port Authority on December 9, 2009, and Complaint filed October 20, 2006.

40. Attached as Exhibit 39 is a copy of the Court's Order Dismissing Certain Claims Against The Port Authority in *Serko & Simon, LLP v. The Port Authority of New York and New Jersey*, No. 02 Civ. 10052, dated May 6, 2003.

41. Attached as Exhibit 40 is a copy of the transcript of the March 22, 2011, Court conference.

42. Attached as Exhibit 41 is a copy of the transcript of the July 28, 2009, Court conference.

Dated: New York, New York
April 13, 2010



Donald A. Klein

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